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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 09 - 01195 JF
)	
Plaintiff,)	STIPULATION AND
)	[PROPOSED] ORDER
v.)	
)	
RODNEY HATFIELD, et al.,)	
)	
Defendants.)	

WHEREAS, the government has produced in excess of 30,000 pages of discovery to counsel for the defendants, and where the discovery includes financial records, trading records, and emails, such that the matter is considered complex under 18 U.S.C. § 3161(h)(8)(B)(ii);

WHEREAS, counsel for the defendants need sufficient time to review the discovery, in order to effectively prepare for the defense of this matter, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv);

WHEREAS, counsel for the government is away from the office and unavailable to appear before this Court on Thursday, July 8, 2010;

WHEREAS, counsel for the parties jointly agree and stipulate that a continuance of this matter is appropriate given the and the need for effective preparation of counsel and where the

1 next available date where all counsel are available is September 2, 2010, such that there is a need
2 for a continuance to such date based on continuity of counsel, pursuant to 18 U.S.C. §
3 3161(h)(7)(B)(iv);

4 THEREFORE, the parties mutually and jointly stipulate that the matter should be
5 continued, based on the complexity of this case, the need for effective preparation of counsel, and
6 the need for continuity of counsel, and the parties jointly request that the Court continue the
7 matter until **Thursday, September 2, 2010, at 9:00 a.m.** The parties agree that continuing the
8 case until September 2, 2010, is necessary, given the complexity of the case, the need for defense
9 counsel to review and analyze a large amount of discovery, and the need to maintain continuity
10 of counsel. The parties also agree that failing to grant a continuance would deny counsel for the
11 defense the reasonable time necessary for effective preparation and continuity of counsel, taking
12 into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

13 The parties also agree, and the Court has found previously, that the case involves
14 government allegations of a complicated fraud scheme with substantial evidence, both paper and
15 electronic, and that thus “the case is so unusual or so complex, due to . . . the nature of the
16 prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect
17 adequate preparation for pretrial proceedings or for the trial itself within the time limits
18 established” by the Speedy Trial Act. See 18 U.S.C. § 3161(h)(8)(7)(ii).

19 Finally, the parties agree that the ends of justice served by excluding time from July 8,
20 2010, until September 2, 2010, outweigh the best interest of the public and the defendant in a
21 speedy trial. Id. § 3161(h)(A).

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1 **STIPULATED:**

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3 DATED: July 2, 2010

/S/

GEOFFREY A. BRAUN
Attorney for RODNEY HATFIELD

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5
6 DATED: July 2, 2010

/S/

VARELL L. FULLER
Assistant Federal Public Defender
Attorney for LLOYD MYERS

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9
10 DATED: July 2, 2010

/S/

TIMOTHY J. LUCEY
Assistant United States Attorney

11
12 **ORDER**

13 For good cause shown, the Court continues the matter until **Thursday, September 2,**
14 **2010, at 9:00 a.m.**

15 The Court enters this order excluding time from July 8, 2010, up to and including
16 September 2, 2010. Specifically, the parties agree, and the Court finds and holds that such that
17 time should be excluded until September 2, 2010, and furthermore that failing to grant a
18 continuance until September 2, 2010, would unreasonably deny the defendant continuity of
19 counsel, and also would deny defense counsel the reasonable time necessary for effective
20 preparation, taking into account the exercise of due diligence. See 18 U.S.C. §
21 3161(h)(8)(B)(iv).

22 The parties also agree, and the Court finds and holds, that the case involves government
23 allegations of a complicated fraud scheme with substantial evidence, both paper and electronic,
24 and that thus “the case is so unusual or so complex, due to . . . the nature of the prosecution, or
25 the existence of novel questions of fact or law, that it is unreasonable to expect adequate
26 preparation for pretrial proceedings or for the trial itself within the time limits established” by the
27 Speedy Trial Act. See 18 U.S.C. § 3161(h)(8)(B)(ii).

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1 Finally, the parties agree, and the Court finds and holds, that the ends of justice served by
2 excluding time from July 8, 2010, through September 2, 2010, outweigh the best interest of the
3 public and the defendant in a speedy trial. Id. § 3161(h)(A).
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5 **IT IS SO ORDERED.**

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7 **DATED:** 7/7/10
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HON. JEREMY FOGEL
United States District Judge